

Together With



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What's New?

TRAINING UPDATE

TOSHA's spring 2005 seminar schedule is now in full swing. Upcoming seminars include the 10-Hour General Industry Course, Occupational Noise, Personal Protective Equipment Workplace Hazard Assessment, TOSHA 101, and Safety Programs. For a look at our full spring schedule, visit our web site at www.state.tn.us/labor-wfd/tosha, click on Information and then on Training Schedule. For e-mail notification about upcoming seminars, send your e-mail address to sandra.bennett@state.tn.us.

The Deep South Center for Occupational Health and Safety is one of 16 Education and Research Centers funded by the National Institute for Occupational Safety and Health (NIOSH). They offer continuing education points in various occupational health and safety courses as well as scholarships for graduate programs in occupational health nursing, industrial hygiene, and ergonomics. The Center may be contacted at 205-934-7184 or at www.uab.edu/dsc. Upcoming courses include Spirometry Workshop, Audiometric Testing and Hearing Conservation, Occupational Noise: Survey and Control, Respirator Fit Testing Workshop, Air Sampling for Toxic Substances, and others. Classes are held in Birmingham, Alabama, as well as other locations in Florida, Tennessee, Texas, and Alabama.

The Georgia Tech Research Institute will again be teaching the Trainer Course in Occupational Safety and Health Standards for General Industry and the Trainer Course in Occupational Safety and Health Standards for the Construction Industry in Tennessee this spring. Both courses will be taught in Knoxville, Tennessee, on April 4-8,

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How many toilets must be present in the workplace?

TOSHA's standard at 29 CFR 1910.141 requires that toilet facilities, in toilet rooms separate for each sex, be provided in places of employment according to the following table.

Number of Employees	Minimum Number of Water Closets
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	1 additional fixture for each additional 40 employees

► Workplace Toilets, Page 2

How many toilets must be present in the workplace?

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Where toilet facilities will not be used by women, urinals may be provided instead of water closets, except that the number of water closets in such cases shall not be reduced to less than 2/3 of the minimum specified. The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided.

This standard requires employers to make toilet facilities available so that employees can use them when they need to do so. It is intended to ensure that employers provide employees with sanitary and available toilet facilities, so that employees will not suffer the adverse health effects that can result if toilets are not available when employees need them. Toilets that employees are not allowed to use for extended periods cannot be said to be "available" to those employees. Similarly, a clear intent of the requirement that adequate numbers of toilets be provided for the size of the workforce is to assure that employees will not have to wait in long lines to use those facilities. Timely access is the goal of the standard. Restrictions on access must be reasonable and may not cause extended delays.

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Together with TOSHA is the newsletter of the Division of Occupational Safety and Health.

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What's New? TRAINING UPDATE

2005, and in Nashville on June 13-17. Those successfully completing these courses become authorized OSHA trainers and may teach the official 10-and 30-Hour General Industry and/or Construction Course and issue course completion cards from the OSHA National Training Institute. To register for one of these courses call (800) 653-3629 or go online at www.oshainfo.gatech.edu. Eastern Kentucky University in Richmond, Kentucky, also offers the OSHA Trainer Courses for General Industry and Construction at various times throughout the year. The classes are held in Richmond. To access information about the classes, you may visit www.ceo.eku.edu/osha or call (859) 622-8410.

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Injury and Illness Survey for Tennessee

The 2002 Tennessee Census of Fatal Occupational Injuries and The Occupational Injuries and Illnesses Survey are now available. Prepared by the Tennessee Department of Labor and Workforce Development, Division of Labor Research and Statistics, the publication offers information on types and frequencies of nonfatal injuries and illnesses, as well as fatalities. It can help a company measure its safety performance with that of other Tennessee businesses. Examples of the type of information found in the publication include the following: operators, fabricators, and laborers accounted for 41% of the workplace fatalities in 2002; there were 35 highway fatalities which involved a truck driver 63% of the time; assaults and violent acts (27) were the second leading cause of workplace death in 2002 including 21 homicides and 18 shootings-most often in retail industries; there were 23 deaths in the construction industry which was the lowest construction fatal injury total ever in Tennessee. For a copy of the complete survey call (615) 741-1748.

The employer, any affected employee, or the employee representative may request an informal conference with TOSHA, following receipt of citations and penalties from TOSHA. At this meeting, held in the appropriate TOSHA area office, the requesting party can meet with the inspecting compliance officer(s) and area supervisor(s) to discuss the citations and penalties. The informal conference must be requested, scheduled, and held within 20 calendar days from the receipt of the citation.

When an informal conference is requested, both management and labor are afforded the opportunity to participate fully. If the requesting party objects to the attendance of the other party, separate informal conferences may be held. The employer must post a notice of the informal conference in the workplace for 24 hours before the meeting so that employees may attend if they wish to do so.

At the conclusion of the discussion, the area supervisor will make a decision as to what action is appropriate considering the facts brought up during the conference. Changes to citations, penalties or abatement dates may be made after the informal

conference by means of an informal amended citation. If a settlement cannot be reached during the informal conference, the employer may appeal the citations and/or penalties to the Occupational Safety and Health Review Commission.

The Review Commission is an independent agency and a separate establishment of the executive branch of state government. It is entirely separate from TOSHA. The commission consists of three members and provides employees and employers an opportunity for a hearing in matters associated with citations, proposed penalties, and abatement periods. A contestment to the Review Commission must be made in writing within 20 calendar days of receipt of a citation. The Commission will set a date for a hearing and the case will be assigned to a TOSHA attorney who will represent TOSHA at the hearing.

If an employer is not happy with the Review Commission ruling, the case may be appealed to the Chancery Court in Davidson County. The Tennessee Attorney General will represent TOSHA. Further appeals may be pursued in the State Court of Appeal and the State Supreme Court.

TOSHA TIPS

Condition: The employer did not provide a medical evaluation for employees required to use respirators to determine if those employees were physically able to wear the respirators.

Potential Effects: All respirators generally place a burden on the employee. Negative pressure respirators restrict breathing, some respirators can cause claustrophobia, and self-contained breathing apparatuses are heavy. Each of these conditions may adversely affect the health of some employees who wear respirators. A physician or other licensed health care professional operating within the scope of his/her practice must medically evaluate employees to determine under what conditions they can safely wear respirators.

Standard: 1910.134(e)(1)

Recommended Action: Provide a medical evaluation to determine each employee's ability to use a respirator.

*Note: For voluntary use of respirators, provide appendix D of the respirator standard only.

Do this before fit testing and use:

Identify a physician or other licensed health care professional to perform medical evaluations using a medical questionnaire or an initial medical examination that obtains the same information (The medical evaluation must obtain the information requested by the questionnaire in Sections 1 and 2, Part A of Appendix C to 29CFR 1910.134).

Provide a follow-up medical examination for any employee who gives a positive response to any question among questions 1 through 8 in Section 2, Part A of Appendix C or whose initial medical examination demonstrates the need for a follow-up medical examination.

Provide additional medical evaluations if the employee reports medical signs or symptoms related to the ability to use a respirator; the health care professional, supervisor, or program administrator informs the employer that an employee needs to be re-evaluated; information from the respirator program, including observations made during fit testing and program evaluation, indicates a need.



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EARN & LIVE

A TOSHA CASE FILE SUMMARY

CAUTION**CARBON MONOXIDE
MAY BE PRESENT**

Employees working in a warehouse began to experience dry mouth, chest pains, and headaches about one hour after arriving for work.

The gas company was called to the scene and their carbon monoxide monitor, set to alarm at 35 parts of carbon monoxide per million parts of air (ppm), went off immediately. The carbon monoxide levels near the forklift that was operating in the warehouse were measured at 579 ppm. The fire department was called, and they measured 83-587 ppm carbon monoxide in the warehouse. Four employees were transported to the hospital, and three remained there overnight.

Carboxyhemoglobin levels measured on these employees (before they were treated with oxygen) correlated with carbon monoxide exposures at or above the TOSHA permissible exposure limit of 35-ppm as an 8-hour time weighted average (TWA).

To prevent such an incident from happening:

1. Ensure that employees are not exposed to an airborne concentration of carbon monoxide in excess of 35 ppm as an 8-hour TWA.
2. Ensure that forklifts are well maintained and tuned up on a regular basis.
3. Ensure adequate ventilation in areas where forklifts are operated.
4. Maintain a written hazard communication program that describes how employees will be trained on the hazards of chemicals in their work areas.
5. Maintain copies of the required material safety data sheet for carbon monoxide
6. Train the employees on operations in their work area where hazardous chemicals are present or may be produced.
7. Train the employees as to the location and availability of the written hazard communication program and material safety data sheets.
8. Ensure that work areas in which non-containerized hazardous chemicals are generated or produced as a result of the process or operation taking place in such work area contain a sign or placard identifying the hazardous chemicals and appropriate hazard warning.
9. Train employees to recognize the signs and symptoms of carbon monoxide poisoning and how to take proper action if an exposure is suspected.

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